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MAIL 0518

**NOTICE OF ALLOWANCE
AND ISSUE FEE DUE**

- ☐ Note attached communication from the Examiner
☐ This notice is issued in view of applicant's communication filed _____

SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/202, 100	08/10/94	007	WAPLE, D	1800 05/18/95
First Named Applicant	BARKLEY, WILLIAM R.			

TITLE OF INVENTION: MICROBIAL BIOMASS HAVING OMEGA-3 HIGHLY UNSATURATED FATTY ACIDS (AS AMENDED)

	ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1	0997131	425-237.100	L74	UTILITY	YES	\$605.00	08/18/95

THE APPLICATION IDENTIFIES ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

- I. Review the SMALL ENTITY Status shown above.
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:
 - A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the patent and Trademark Office of the change in status, or
 - B. If the Status is the same, pay the FEE DUE shown above.
- II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, Part C of this notice should also be completed and returned.
- III. All communications regarding this application must give series code (or filing date), serial number and batch number. Please direct all communication prior to issuance to Box ISSUE FEE unless advised to contrary.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, pay of 1/2 the FEE DUE shown above.

IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/292,490	06/18/94	BARCLAY	W 2997131

18N2/0518

WARE, D EXAMINER

GARY J CONNELL
1700 LINCOLN STREET SUITE 3500
DENVER CO 80203

ART UNIT	PAPER NUMBER
1808	#71C

05/18/95

DATE MAILED:

NOTICE OF ALLOWABILITY

PART I.

- ☒ This communication is responsive to 02/16/95
- ☐ All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
- ☒ The allowed claims are 14-20
- ☐ The drawings filed on _____ are acceptable.
- ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has [] been received. [] not been received. [] been filed in parent application Serial No. _____, filed on _____.
- ☒ Note the attached Examiner's Amendment.
- ☐ Note the attached Examiner Interview Summary Record, PTOL-413.
- ☐ Note the attached Examiner's Statement of Reasons for Allowance.
- ☐ Note the attached NOTICE OF REFERENCES CITED, PTO-892.
- ☐ Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II.

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- ☒ APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
 - ☒ Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. 1808. CORRECTION IS REQUIRED.
 - ☐ The proposed drawing correction filed on _____ has been approved by the examiner. CORRECTION IS REQUIRED.
 - ☐ Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
 - ☒ Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

Attachments:

- Examiner's Amendment
- Examiner Interview Summary Record, PTOL-413
- Reasons for Allowance
- Notice of References Cited, PTO-892
- Information Disclosure Citation, PTO-1449
- Notice of Informal Application, PTO-152
- Notice re Patent Drawings, PTO-948
- Listing of Bonded Draftsmen
- Other

DAVID M. HIAFF
PRIMARY EXAMINER
ART UNIT 1808

Serial Number: 08/292,490

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Art Unit: 1808

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

In the abstract:

on line 8, after the term "size" inserted --of less

C1 than about 150 microns and a high content of omega-3 highly unsaturated fatty acids--.

Authorization for this Examiner's Amendment was given in a telephone interview with Gary J. Connell on May 15, 1995.

In the specification:

line 6, after "is a" inserted --divisional of U.S.

C2 patent application Serial No. 07/962522, filed October 16, 1992, now U.S. Patent No. 5,340,742 which is a-- ,

line 8, after "1992" inserted --now U.S. Patent No. 5,340,594-- ,

line 14, after "1989" inserted --, now abandoned,-- ,

line 17, after "1988" inserted --, now abandoned,-- ,

In the claims:

claim 14, line 1, after "comprising" inserted --a

C3 microorganism selected from the group consisting of-- ,

line 3, deleted "Thraustochytrium, Schizochytrium, and mixtures" and inserted --microfloral biomass has-- ,

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Art Unit: 1808

line 4, deleted "thereof have",

line 5, after "diameter" inserted --and

C4
wherein said microfloral biomass is capable of being produced by a method comprising growing said microorganism and mixtures thereof, in a culture medium containing less than about 3 grams of chloride per liter of said culture medium, sources of carbon, nitrogen, micronutrients, and a non-chloride sodium salt at a temperature less than about 48°C, and at a pH from about pH 5.0 to about pH 11.0. -- ,

claim 15, line 2, completely deleted,

line 3, deleted "been grown in a culture medium containing" and inserted --non-chloride sodium salt is-- ,

claim 16, line 2, deleted "Thraustochytrium, Schizochytrium, and" and inserted --microorganism has-- ,

line 3, deleted "mixtures thereof, have" ,

line 5, deleted "and" and after "20889," inserted --and-- ,

line 6, deleted "Thraustochytrium," and inserted -microorganism of--

line 7, deleted "Schizochytrium, and mixtures thereof have" and inserted --the microfloral biomass has-- ,

claim 17, line 1, deleted "of" ,

line 2, deleted "Thraustochytrium, Schizochytrium, and mixtures thereof have" and inserted --microorganism of the microfloral biomass has-- ,

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Art Unit: 1808

claim 18, line 2, deleted "Thraustochytrium, Schizochytrium
and " and inserted --microorganism of the microfloral biomass
has-- ,

line 3, deleted "mixtures thereof have" ,

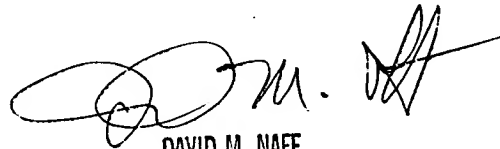
claim 19, line 2, deleted "Thraustochytrium, Schizochytrium,
and mixtures" and inserted --microfloral biomass has-- ,

line 3, deleted "thereof have" ,


claim 20, line 2, deleted "Thraustochytrium, Schizochytrium,
and mixtures" and inserted --microfloral biomass has--

line 3, deleted "thereof have" .

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Deborah K.
Ware whose telephone number is (703) 308-4245.



DAVID M. NAFF
PRIMARY EXAMINER
ART UNIT 1824


Deborah K. Ware
May 15, 1995